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KENDYL ROMAN
730 BANTRY COURT
SUNNYVALE, CA 94087-3402

In re Application of :
Figuredo, et al. : DECISION REFUSING STATUS
Application No. 09/312,922 : UNDER 37 CFR 1.47(a)
Filed: May 17, 1999 :
Atty. Dkt. No.: ICOM-00401 :
For: SYSTEM FOR TRANSMITTING :
VIDEO IMAGES OVER A COMPUTER :
NETWORK TO A REMOTE RECEIVER :

COPY MAILED
JAN 05 2007
OFFICE OF PETITIONS

This decision is in response to the petition under 37 CFR 1.47(a) filed December 22, 1999.

The petition under 37 CFR 1.47(a) is **DISMISSED**.

Petitioners are given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted herein. The reply under 37 CFR 1.47(a) may include an oath or declaration executed by the non-signing inventors. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed without an executed oath or declaration. Accordingly, a Notice to File Missing Parts of Nonprovisional Application (Notice) was mailed June 14, 1999. The Notice required a surcharge and an executed oath or declaration.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

As to inventor Thomas Joseph Broadbent, petitioners have failed to establish that the non-signing inventor received a complete copy of the application papers (specification, including claims, drawings, and oath or declaration) and thereafter refused to execute an oath or declaration, or, that the non-signing inventor cannot be reached or located for presentation of the application papers.

Petitioners allege that inventor Thomas Joseph Broadbent is "on a two year mission somewhere in South America," is "currently unavailable and can't be reached until he returns in September, 2000."

Petitioners are reminded that before a refusal to sign an oath or declaration can be alleged, it must be demonstrated that a *bona fide* effort has been made to present a complete copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor at the non-signing inventor's last known address, typically a residential address.

The fact that a non-signing inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under 37 CFR 1.47.

Any renewed petition should be accompanied by evidence to establish that the non-signing inventor was sent a complete copy of the application papers (specification, claims, drawings, and oath or declaration) and thereafter refused to execute the declaration. Petitioner(s) may wish to provide the Office copies of letters sent to the inventor(s) indicating the enclosure of the application papers (specification, claims, drawings, and oath or declaration). If after the inventor(s) receives the application papers and requests to execute the oath or declaration are refused, these facts should be set forth in a statement of facts signed by the person to whom the refusals were made and detailing with specificity the exact manner of the refusals. If a written refusal has been made, a copy of the written refusal should be included on renewed petition.

Further correspondence with respect to this matter should be addressed as follows:

By mail:

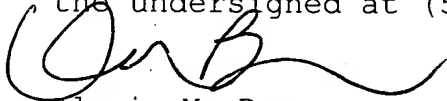
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300

By hand: U.S. U.S. Patent and Trademark Office
Customer Service Window
Mail Stop Petition
Randolph Building

401 Dulaney Street
Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to
the undersigned at (571) 272-3205.

A handwritten signature in black ink, appearing to read 'A. Brown', with a large, stylized initial 'A' and a long, sweeping horizontal stroke extending to the right.

Alesia M. Brown
Petitions Attorney
Office of Petitions